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DEC 23 2002

GENERAL COUNSEL
OF COPYRIGHT

Library of Congress, Copyright Office
Copyright Arbitration Royalty Panel (CARP)
Attention: 2002-1 CARP DTRA 3
PO Box 70977, Southwest Station
Washington, DC 20024

In the Matter of)

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)
)
Digital Performance Right in)
Sound Recordings and)
Ephemeral Recordings Rate)
Adjustment Proceeding)

Docket No. 2002-1 CARP DTRA 3

Notice of Intention To Participate

Pursuant to the Copyright Office's Order dated November 15, 2002, the Educational Information Corporation, doing business as WCPE Radio ("WCPE") hereby advises that it intends to be an active participant in the above-captioned proceeding.

WCPE designates Deborah S. Proctor, GM; WCPE Radio; Post Office Box 828; Wake Forest, NC 27588 as the person on whom copies of filings and submissions should be served.

Respectfully submitted,



Deborah S. Proctor
WCPE Radio
PO Box 828
Wake Forest, NC 27588
(919) 556-5178

Representative for WCPE

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DEC 20 2002

GENERAL COUNSEL
OF COPYRIGHT

December 17, 2002

Library of Congress, Copyright Office
Copyright Arbitration Royalty Panel (CARP)
Attention: 2002-1 CARP DTRA 3
PO Box 70977, Southwest Station
Washington, DC 20024

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|-------------------------------------|---|-------------|
| Before the |) | |
| United States Copyright Office |) | |
| Library of Congress |) | Docket No. |
| In the Matter of |) | 2002-1 |
| |) | CARP DTRA 3 |
| DIGITAL PERFORMANCE RIGHT IN SOUND |) | |
| RECORDINGS AND EPHEMERAL RECORDINGS |) | |

To: Office of Copyright General Counsel

WCPE has tendered with the Library of Congress a Notice of Intent to Participate in Docket No. 2002-1 CARP DTRA 3, regarding the "*Digital Performance Right in Sound Recordings and Ephemeral Recordings*" rate adjustment proceeding, pursuant to the Library's rules and regulations.

Request for Exemption from Costs of the Proceeding

WCPE hereby requests exemption from the payment of costs of the proceeding and asks the Librarian to waive its Rules which give the Library of Congress, the Copyright Office, and the Copyright Arbitration Royalty Panel the ability to assess WCPE a portion of the costs of this proceeding.

WCPE is a non-profit, non-commercial, educational public radio broadcaster licensed by the Federal Communications Commission (FCC) with resources totally dependent upon voluntary contributions of individuals and businesses. WCPE receives no support from tax-derived grants, gifts, or revenue.

WCPE and the great majority of small public broadcasters are not covered by the Corporation for Public Broadcasting (CPB) blanket license agreement with the Recording Industry Association of America (RIAA) because these small public broadcasters do not meet the size, programming, or location requirements of CPB.

WCPE and these stations must obtain a license from RIAA and yet are the least able to afford to participate in this proceeding. Therefore, non-CPB stations must participate as the rates set in this CARP could be make it economically impossible for these stations to pay royalties for the internet streaming services that they provide their public radio listeners.

The Copyright Office is cognizant that it is the opinion of Congress that encouragement and support of noncommercial broadcasting is in the public interest. It is also aware that public broadcasting may encounter problems not confronted by commercial broadcasting enterprises, such as limited financial resources.

Additionally, Congress has determined that it is in the public interest that copyright owners and public broadcasters reach voluntary private agreements. This has not yet occurred, and therefore a CARP must be convened.

Being that Congress has determined that the nature of public broadcasting does warrant special treatment in certain areas concerning copyright, and being that a voluntary agreement with all public broadcasters has not been made, it is justified, within the Copyright Offices scope of authority, and parallels the intent of Congress, that the Copyright Office waive fees for FCC licensed public broadcasting entities.

Sincerely,



Deborah S. Proctor
General Manager

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